

ARTICLE I: PURPOSE, AUTHORITY, JURISDICTION

A. PURPOSE

Land subdivision is the first step in the process of community development. Once land has been cut up into streets, lots and blocks and publicly recorded, the correction of defects is costly and difficult. Subdivision of land sooner or later becomes a public responsibility, in that roads and streets must be maintained and various public services customary to urban areas must be provided. The welfare of the entire community is thereby affected in many important respects. It is therefore to the interest of the public, the developer and the future owners that subdivisions be conceived, designed and developed in accordance with sound rules and proper minimum standards.

The following subdivision regulations guiding the Planning Commission are designed to provide for the harmonious development of the planning region; to secure a coordinated layout and adequate provision for traffic and also to secure adequate provision for light, air, recreation, transportation, water, drainage, sewer, and other sanitary facilities.

B. AUTHORITY

These subdivision regulations are adopted under the authority granted by Sections 13-3-401 through 13-3-412, Tennessee Code Annotated. The Planning Commission has fulfilled the requirements set forth in these statutes as prerequisite to the adoption of such regulations, having filed a certified copy of the most recent Long Range Transportation Plan of Rutherford County (Major Road Plan) in the office of the Register of Rutherford County, Tennessee.

C. JURISDICTION

These regulations shall govern all subdivision of land within the Rutherford County Planning Region as established by resolution of Tennessee State Planning Office.

Within these regulations the term “subdivision” means the division of a tract or parcel of land into two or more lots, sites, or other divisions requiring new street or utility construction, or any division of less than five acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of re-subdividing the land or area already subdivided.

Any owner of land within this area wishing to subdivide land shall submit to the Planning Department a plat of the subdivision according to the procedures outlined in Article II, which plat shall conform to the minimum requirements set forth in Article III. Improvements shall be installed as required by Article IV of these regulations.

ARTICLE II: PROCEDURE FOR SUBDIVISION PLAT APPROVAL

The procedure for review and approval of a major subdivision plat consists of the following four (4) separate steps:

1. Initially, the subdivider shall consult early and informally with the Planning and Engineering Department for advice and assistance before the preparation of the preliminary plat and its formal application for approval. This will enable them to become thoroughly familiar with these regulations, the Long Range Transportation Plan of Rutherford County (Major Road Plan), Zoning Resolution and other official plans or public improvement programs which might affect the area. Such informal review could prevent unnecessary and costly revisions. This informal review must take place no less than thirty days prior to the submittal of the preliminary plat.
2. The preparation and submission to the Planning Commission of a preliminary plat of the proposed subdivision.
3. The preparation and submission to the County Engineer of a Construction Drawing as outlined in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee.
4. The preparation and submission to the Planning Commission of a final plat together with the required certificates and surety. This final plat becomes the instrument to be recorded in the office of the county register when duly signed by the Secretary and Chairman of the Planning Commission.

A. GENERAL

1. Any owner of land lying within the area of jurisdiction of the Planning Commission who wishes to divide such land into two (2) or more lots or parcels, as defined in the Article VIII definition of subdivision, shall submit a plan of such proposed subdivision to the Planning Commission for approval and shall obtain such approval prior to the filing of his subdivision plat for recording. Any such plat of subdivision shall conform to the minimum standards of design for the subdivision of land as set forth in Article III of these regulations and in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee. All Plats shall be presented in the manner specified in the following sections of this Article. No plat of a subdivision within the area of planning jurisdiction shall be filed or recorded by the County Register without the approval of the Planning Commission as specified herein.
2. The prospective subdivider, thirty (30) days prior to submission of any preliminary plat, shall provide the Planning Department with a Master plan of the proposed subdivision. This Master plan of the proposed subdivision shall include the lot and street patterns, proposed street names, and general drainage design characteristics for all land owned by the subdivider or all land that will be subdivided. (approved October 9, 2000)
3. In order to secure review and approval by the Planning Commission of a proposed subdivision, the prospective subdivider shall, prior to the making of any street improvements or installation of utilities submit to the Planning Commission a preliminary plat as provided in Section B of this Article. On approval of said preliminary plat he may proceed with the preparation of the construction drawing, the final plat and any other documents required in connection therewith as specified in Section C of this Article and the improvements set forth in Article IV and in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee.

4. In exercising the powers granted to it by § 13-3-402, the regional planning commission shall adopt regulations governing the subdivision of land within its jurisdiction. Such regulations may provide for the harmonious development of the region and its environs; for the coordination of roads within the subdivided land with other existing or planned roads or with the state or regional plan or with the plans of municipalities in or near the region; for adequate open spaces for traffic, light, air and recreation; for the conservation of or production of adequate transportation, water, drainage and sanitary facilities; for the avoidance of population congestion; and for the avoidance of such scattered or premature subdivision of land as would involve danger or injury to health, safety or prosperity by reason of the lack of water supply, drainage, transportation or other public services or would necessitate an excessive expenditure of public funds for the supply of such services. (TCA 13-3-403a)

B. PRELIMINARY PLAT

1. The subdivider shall submit to the Planning Department, in accordance with the time schedule established by the Department, three (3) copies of a preliminary plat of the proposed subdivision, drawn to scale of not less than one inch equals 100 feet and any other plans that may be required by the Planning Commission, along with the payment of all required fees. Two (2) working days prior to the Planning Commission meeting, the subdivider shall submit then (10) copies of the revised plan to the Planning Department. The Planning Director may at his/her discretion grant an extension to the above described deadline for any Preliminary Plat submitted. (approved July 14, 2008)
2. The plat shall meet the minimum standards of design as set forth in Article III and the general requirements for the construction of public improvements as set forth in Article IV and in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee and shall provide the following information insofar as it is possible:
 - a. The proposed subdivision's name and location, the name(s) and address (es) of the owner or owners, and the name and address of the designer of the plat who shall be a registered engineer licensed in the State of Tennessee.
 - b. Date, approximate north point, and graphic scale.
 - c. The location of existing and platted property lines, existing streets, buildings, water courses, railroads, sewers, bridges, culverts, drain pipes, water mains, and any existing public utility easements or lines, and the names of adjoining property owners, subdivisions, and streets.
 - d. Plans of proposed utility layouts (sewers, water) showing feasible connections to the existing or any proposed utility systems. When such connections are not practical, any proposed individual water supply and/or sewage disposal system must be approved by the Tennessee Department of Environment and Conservation, Division of Ground Water Protection.
 - e. The proposed street names, and the locations and dimensions of proposed streets, alleys, drainage/conservation and utility easements, parks, and other open spaces, reservations, lot lines and building setback lines.
 - f. Lots numbered in numerical order.
 - g. Any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.

- h. Contours at vertical intervals of not more than two feet; if grade exceeds 25% contours at vertical intervals of five feet.
 - i. The acreage of the land to be subdivided.
 - j. Location sketch map showing relationship of subdivision site to area.
 - k. A complete design and drainage plan shall be developed and presented in accordance with the Section 2000 Subsection 2.6 of the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee and the Rutherford County Zoning Resolution.
 - l. Tax Map, Parcel number, FEMA panel number showing 100 year flood limit with that portion of the property lying below the 100 year flood elevation being shown shaded or hatched.
 - m. Temporary turn around as required.
 - n. One Bench Mark per Subdivision.
 - o. Area approved for subsurface disposal field construction and duplicate area shall be shaded and reserved for subsurface disposal system only. (Not applicable when a public sewer system is utilized.) (approved March 8, 1999)
- 3. The Planning Commission shall approve, disapprove, or approve subject to modification the preliminary plat within sixty (60) days after its submission; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the planning commission on demand. However, the applicant may waive this requirement and consent to an extension of time. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission. If approved subject to modifications the nature of the required modifications shall be stated upon the records of the Planning Commission. (approved March 8, 1999)
 - 4. Two copies of the preliminary plat will be retained in the Planning Commission files; one copy shall be returned to the subdivider with any notations at the time of approval or disapproval and the specific changes, if any, required.
 - 5. Failure of the Planning Commission to act on the preliminary plat within sixty (60) days will be deemed approval of this plat. (3/8/99)
 - 6. The approval of the preliminary plat by the Planning Commission will not constitute acceptance of the final plat and will not be indicated on the preliminary plat.
 - 7. The approval of the preliminary plat shall lapse unless a final plat based thereon is recorded within twelve (12) months from the date of such approval unless an extension of time is applied for and granted by the Planning Department.
 - 8. The developer shall furnish the Planning Department with a copy of the owner's deed and the plats shall show the book and page number where the deed is recorded prior to the Planning Commission Meeting. (approved July 14, 2008)
 - 9. For review of Commercial or Industrial proposals, the following information shall be required in addition to any other requirements for preliminary plat submission.
 - a. Dimensions and area of all impermeable surfaces
 - b. Location and dimensions of all permanent facilities
 - c. Proposed changes in topography shall be shown utilizing contour lines at 2' intervals.
 - 10. The following certificates shall be signed and shown on the Preliminary Plat in a reproducible fashion (approved October 9, 2000)
 - a. Certificate of Water, certifying availability for water services, providing lines, valves, and fitting shall be installed to specifications.

- b. Certificate of the Approval of Electric Power, certifying availability of power providing poles and other improvements will be installed in an acceptable manner and according to specifications.
11. If a preliminary plat is deferred, reasons for such deferral shall be stated upon the records of the Planning Commission. (approved March 8, 1999)
12. All plats submitted for consideration by the Planning Commission must have a minimum of four points which shall form a closed polygon that encompasses the entire project submitted. Additional points which permit definition of sub-polygons within the project will be acceptable and desirable. These points must be defined in terms of the following geographic coordinate system: Decimal fractions of a degree Tennessee State Plane coordinates.
The coordinate system selected must maintain a minimum precision corresponding to the following standards for each individual coordinate type, for both X- and Y-coordinates: Tennessee State Plane: each coordinate pair must be defined to the nearest tenth of a foot; for example, a coordinate of “(525,042.7, 1,826,294.1)” These coordinates may be presented in a tabular format on the plat, similar to curve data tables.
In addition to the paper copies required, DWG and PDF files shall be submitted in a recordable media format or emailed to a designated representative of the Planning Commission. The purpose of these requirements is to facilitate the input of new development plats into the Planning Commission’s computerized Geographic Information System for analysis, assessment of impact, storage and retrieval. (Added October 14, 2003)
13. Any plat submitted to the commission shall contain the name and address of a person to whom notice of hearing may be sent; and no plat shall be acted upon by the commission without affording a hearing thereon, notice of the time and place of said hearing shall be sent by mail to the Applicant/Owner whose address is shown on the preliminary plat not less than five (5) days before the date fixed for such hearing.
14. All land disturbance fees are to be paid when the preliminary plat is submitted to the Rutherford County Planning and Engineering Department for review.
15. All preliminary plats in order to have been officially submitted must comply with all requirements as set forth in Article II, C, 1-14. If the preliminary plat does not meet the requirements as specified, then executive director or county engineer may remove the said plat from the agenda.

C. FINAL PLAT

The final plat shall be clearly and legibly drawn by a registered land surveyor and shall conform to the Rules of Department of Insurance Division of Regulatory Boards-Board of Examiners for Land Surveyors Chapter 0820 - Standards of Practice.

1. The final plat shall conform to the preliminary plat as approved; and, if desired by the subdivider, it may constitute only that portion of the approved preliminary plat he proposes to record and develop at the time, provided, however, that such portion conforms to all requirements and standards.
2. The Subdivider shall submit three (3) copies of the proposed final plat to the Planning Department, according to the schedule prepared by the Department, as well as all

applicable fees paid to the Rutherford County Regional Planning Commission. Two (2) working days prior to the Planning Commission meeting the subdivider shall submit ten (10) copies of the revised plat. Three (3) days prior to the Planning Commission meeting at which the final plat will be reviewed the subdivider shall submit the original drawing on reproductive Mylar in black ink. The approved final plat will be filed with the county register as the official plat of record by the planning department. The Subdivider shall be responsible for paying all recording fees. The Planning Director may at his/her discretion grant an extension to the above described deadline for any Final Plat submitted.

(approved July 14, 2008)

3. The Planning Commission shall approve or disapprove this final plat within sixty (60) days after its submission; otherwise such plat shall be deemed to have been approved and a certificate to that effect shall be issued by the planning commission on demand. Failure of the Planning Commission to act on this final plat within these sixty (60) days shall be deemed approval of it. However, the applicant may waive this requirement and consent to an extension of time. If the plat is disapproved, the grounds for disapproval shall be stated upon the records of the Planning Commission.
4. Approval of the final plat by the Planning Commission shall not constitute the acceptance by the public of the dedication of any streets, drainage systems, or other public way or grounds.
5. The final plat shall show the following:
 - a. The lines of all streets and roads, alley lines, lot lines, building set-back lines, lots numbered in numerical order, all easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
 - b. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, boundary line, block line and building line whether curved or straight, and including magnetic north point. This shall include the radius, central angle and arc length distance for the curved streets right of way and the curved property lines that are not the boundary of curved streets.
 - c. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute.
 - d. Location and description of monuments.
 - e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property.
 - f. Date, title, name and location of subdivision, graphic scale, and magnetic north point.
 - g. Location sketch map showing site in relation to area.
 - h. Lateral tie per subdivision.
 - i. Area approved for subsurface disposal field construction and duplicate area shall be shaded and reserved for subsurface disposal system only. For each proposed lot, the square footage of this subsurface disposal area shall be broken down by types of soils (e.g. suitable and marginal soils) and shown on the plat. This breakdown shall conform to those standards set forth in Article III, Section E, Part 3 of these regulations (approved October 9, 2000).
 - j. 100 year flood limit as determined by most recently published FEMA maps on file with the Rutherford County Regional Planning Commission, with that portion of the property lying below the 100 year flood elevation being shown shaded or hatched.

- k. Driveway Culvert Size Chart. Chart shall depict each lot number with culvert sizes that exceed fifteen (15) inches in size. Any lot that is not listed in the chart shall have a fifteen (15) inch minimum driveway culvert size unless approved by the County Engineer. Such approval shall be in writing and placed in the file folder kept in the Planning Office. Chart shall include the signature and stamp of the design engineer. (Approved January 14, 2002).
6. The following certificates shall be signed and shown on the final plat prior to the Planning Commission meeting in a reproducible fashion: (approved July 14, 2008)
 - a. Certificate of Ownership and Dedication, certifying that applicant is the landowner and dedicates streets, right-of-ways, and any sites for public use.
 - b. Certificate of Accuracy, by registered professional surveyor certifying to accuracy of survey and plat and placement of monuments.
 - c. Certificate of Water, certifying plat approval for water service, provided lines, valves, and fittings are installed to specifications.
 - d. Certification of the Approval Electric Power, certifying power poles and other improvements will be installed in an acceptable manner and according to specifications.
 - e. Certificate of Approval for Recording, to be signed by the Chairman or Vice-Chairman and Secretary of the Planning Commission.
 - f. One (1) of the following Certifications of General Approval of the Installation of a Solid Waste Disposal System shall be used (approved October 9, 2000)
 1. Certification of General Approval for Installation of Subsurface Disposal System with Restrictions, certifying approved location by the Tennessee Department of Environment and Conservation, Division of Ground Water Protection.
 2. Certification of General Approval for the Installation of a Public Sanitary Sewer System, certifying that the appropriate agency has reviewed the project and it meets required regulatory standards.
 3. Certification of General Approval for the Installation of the STEP System, certifying that the appropriate agency has reviewed the project and it meets required regulatory standards.
 - g. The developer shall furnish the Planning Department a copy of the owner's deed and the preliminary and final plat shall show deed book and page number where deed is recorded.
7. Drawn to a scale of 1" = 100' on a 12" x 18", 18" x 24", or 24" x 36" sheet (outside dimensions).
8. Final Plat shall show all drainage easements.
9. The developer shall furnish the Planning Commission a consent for drainage certificate from adjoining property owners or any other property owners that will be affected by run-off as determined by the county engineer, to be filed in conjunction with the final plat. The Subdivider shall be required to obtain Consent for Drainage Letter from all affected property owners as determined by the County Engineer when the post-development rate of runoff exceeds the pre-development rate of run-off or when the pattern of the natural drainage system is altered.
10. All plats submitted for consideration by the Planning Commission must have a minimum of four points which shall form a closed polygon that encompasses the entire project submitted. Additional points which permit definition of sub-polygons within the project

will be acceptable and desirable. These points must be defined in terms of the following geographic coordinate system: Decimal fractions of a degree Tennessee State Plane coordinates.

The coordinate system selected must maintain a minimum precision corresponding to the following standards for each individual coordinate type, for both X- and Y-coordinates: Tennessee State Plane: each coordinate pair must be defined to the nearest tenth of a foot; for example, a coordinate of “(525,042.7, 1,826,294.1)” These coordinates may be presented in a tabular format on the plat, similar to curve data tables.

The purpose of these requirements is to facilitate the input of new development plats into the Planning Commission’s computerized Geographic Information System, for analysis, assessment of impact, storage and retrieval.

In addition to the mylar print required, DWG and PDF files shall be submitted in a recordable media format or emailed to a designated representative of the Planning Commission. (Amended October 13, 2003)

11. The Developer shall provide the Planning Commission with a boundary description of all detention and retention areas shown on the final plat.
12. Any plat submitted to the commission shall contain the name and address of a person to whom notice of hearing may be sent; and no plat shall be acted upon by the commission without affording a hearing thereon, notice of the time and place of said hearing shall be sent by mail to the Applicant/Owner whose address is shown on the preliminary plat not less than five (5) days before the date fixed for such hearing.
13. If the Final Plat contains open space or recreational facilities, or if any portion of the site is in common ownership, the following documentation shall be presented for approval by the planning commission:
 - a. Plans for improvements and maintenance of the open space or facilities located thereon.
 - b. Articles of incorporation and bylaws of the homeowners association or legal entity (where open space or facilities are to be deeded to a homeowners association or similar organization acting on behalf of the joint owners of said property) charged with improving or maintaining the open space or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivision.
 - c. Declaration of covenants and restrictions pertaining to open space and facilities which assure the continued use of said facilities for the purpose intended, where open space or facilities are to be retained by the developer.
 - d. Record Book and Page listed on the final plat depicting where the association has been recorded.

D. REVIEW PROCEDURES FOR MINOR SUBDIVISION PLATS

1. A minor subdivision requires only one submission of a final plat provided; however, all the following conditions have been met:
 - a. The proposed subdivision does not contain more than three lots, sites or divisions.
 - b. All public improvements as set forth in Article VI and in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee are already installed. Any

- construction, installation or improvements shall require the submission of a preliminary plat as prescribed in Section B of Article II.
- c. The subdivider has consulted with the planning department for advice and assistance, and it is agreed upon by the planning staff that a preliminary plat is unnecessary.
 2. The subdivider shall submit, with payment of all required fees, to the Rutherford County Planning Department two copies of the survey (hereafter called the “plat”) of the proposed minor subdivision prepared by a land registered surveyor licensed by the State of Tennessee.
 3. All Plats shall conform with Section 2000 Subsection 2.6 in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee and shall show the direction of flow for the drainage.
 4. Plats Shall be clearly and legibly drawn by a registered land surveyor and shall conform to the Rules of the Department of Insurance Division of Regulatory Boards-Board Examiners for Land Surveyors Chapter 0820 - Standards of Practice.
 5. The final plat shall show the following:
 - a. The lines of all streets and roads, alley lines, lot lines, building set-back lines, lots numbered in numerical order, all easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
 - b. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, boundary line, block line and building line whether curved or straight, and including magnetic north point. This shall include the radius, central angle and arc length for the right of way of curved streets and curved property lines that are not the boundary of curved streets.
 - c. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute.
 - d. Location and description of monuments.
 - e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property.
 - f. Date, title, name and location of subdivision, graphic scale, and magnetic north point.
 - g. Location sketch map showing site in relation to area.
 - h. Lateral tie.
 - i. Area approved for subsurface disposal field construction and duplicate area shall be shaded and reserved for subsurface disposal systems only.
 - j. 100 year flood limit as determined by most recently published FEMA maps on file with the Rutherford County Regional Planning Commission, with that portion of the property lying below the 100 year flood elevation being shown shaded or hatched.
 6. The following certificates shall be signed and shown on the final plat in a reproducible fashion:
 - a. Certificate of Ownership and Dedication, certifying that applicant is landowner and dedicates streets, right-of-ways, and any sites for public use.
 - b. Certificate of Accuracy, by registered professional surveyor certifying to accuracy of survey and plat and placement of monuments.
 - c. Certificate of Water, certifying plat approval for water service, provided lines, valves, and fittings are installed to specifications.

- d. Certification of the Approval of Electric Power, certifying ~~to~~ power poles and other improvements will be installed in an acceptable manner and according to specifications.
 - e. Certificate of Approval for Recording, to be signed by the Secretary of the Planning Commission or his designee.
 - f. Certification of General Approval for Installation of Subsurface Disposal System with Restrictions, certifying approved location by the Tennessee Department of Environment and Conservation, Division of Ground Water Protection.
 - g. The developer shall furnish the Planning Department a copy of the owner's deed and the final plat shall show deed book and page number where deed is recorded.
7. Drawn to a scale of 1" = 100' on a 12" x 18", 18" x 24", or 24" x 36" sheet (outside dimensions).
 8. The developer shall furnish the Planning Department with a consent for drainage certificate, from adjoining property owners or any other property owners that will be affected by run-off as determined by the county engineer, to be filed in conjunction with the final plat. A Consent for Drainage Letter or easement shall be required from all the affected property owners as determined by the County Engineer when the post-development rate of runoff exceeds the pre-development run-off.
 9. All plats submitted for consideration by the Planning Commission or staff must have a minimum of four points which shall form a closed polygon that encompasses the entire project submitted. Additional points which permit definition of sub-polygons within the project will be acceptable and desirable. These points must be defined in terms of the following geographic coordinate system: Decimal fractions of a degree Tennessee State Plane coordinates. The coordinate system selected must maintain a minimum precision corresponding to the following standards for each individual coordinate type, for both X- and Y-coordinates:

Tennessee State Plane: each coordinate pair must be defined to the nearest tenth of a foot; for example, a coordinate of "(525,042.7, 1,826,294.1)" These coordinates may be presented in a tabular format on the plat, similar to curve data tables.

The purpose of these requirements is to facilitate the input of new development plats into the Planning Commission's computerized Geographic Information System, for analysis, assessment of impact, storage and retrieval.

In addition to the mylar print required, DWG and PDF files shall be submitted in a recordable media format or emailed to a designated representative of the Planning Commission. (Amended January 12, 2004)
 10. The Planning Department shall check the plat for conformance to the rules and regulations. Approval shall be indicated on the plat through the signature of the Planning Commission Secretary. A Certification of Action shall be issued by the Planning Department noting approval or modifications to which approval is subject, and if disapproved, a list of reasons for disapproval.
 11. If action is not taken within sixty (60) days from the date of submittal and fee payment, the plan shall be considered approved and a certificate of approval shall be issued by the executive director or county engineer on demand. However, the applicant for approval may waive this requirement and consent to an extension of time.

12. After the plat has been reviewed by planning and engineering staff and any deficiencies corrected, the subdivider shall submit the corrected drawing on reproductive mylar in black ink to the Rutherford County Planning Department for their signature.

E. FINAL PLAT OF A CONDOMINIUM

The Final Plat of a condominium subdivision shall contain in addition to the other information required by this section:

1. An “as built” building location and boundary survey, prepared to State of Tennessee Standards, showing complete and accurate dimensions and angles of the boundary of the parcel(s) on which the condominium is located, together with exterior dimensions and location relative to those boundaries of the building(s) which constitute the condominium subdivision.
2. Some sort of datum plane or other suitable vertical location reference. In meeting these requirements, it is only necessary that the upper and lower units of each level of each condominium unit be identified specifically in relation to the vertical reference (e.g. an appropriate permanent monument or other acceptable reference datum or fixed known point). Elaborate exterior elevations and architectural detail are not necessary to satisfy this requirement.
3. If the Final Plat contains open space or recreational facilities, or if any portion of the site is in common ownership, the following documentation shall be presented for approval by the planning commission:
 - a. Plans for improvements and maintenance of the open space or facilities located thereon.
 - b. Articles of incorporation and bylaws of the homeowners association or legal entity (where open space or facilities are to be deeded to a homeowners association or similar organization acting on behalf of the joint owners of said property) charged with improving or maintaining the open space or facilities, and declaration of covenants and restrictions pertaining to each and every property within the subdivision.
 - c. Declaration of covenants and restrictions pertaining to open space and facilities which assure the continued use of said facilities for the purpose intended, where open space or facilities are to be retained by the developer.

F. REVIEW PROCEDURES FOR COMBINATION PLATS

1. A Combination Plat requires only one submission of a final plat provided; however, all the following conditions have been met:
 - a. The proposed plat represents a combination of a lot of record with either another lot of record or a portion of a lot of record.
 - b. All public improvements as set forth in Article VI and in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee are already installed. Any construction or installation of improvements shall require the submission of a preliminary plat as prescribed in Section B of Article II.
 - c. The subdivider has consulted with the planning department for advice and assistance, and it is agreed upon by the planning staff that a preliminary plat is unnecessary.

2. The subdivider shall submit, with payment of all required fees, to the Rutherford County Planning Department two copies of the survey (hereafter called the "plat") of the proposed combination plat prepared by a registered land surveyor licensed by the State of Tennessee.
3. All Plats shall conform with Section 2000 Subsection 2.6 in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee and shall show the direction of flow for the drainage.
4. Plats shall be clearly and legibly drawn by a registered land surveyor and shall conform to the Rules of the Department of Insurance Division of Regulatory Boards-Board Examiners for Land Surveyors Chapter 0820 - Standards of Practice.
5. The final plat shall show the following:
 - a. The lines of all streets and roads, alley lines, lot lines, building set-back lines, lots numbered in numerical order, all easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
 - b. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, boundary line, block line and building line whether curved or straight, and including true north point. This shall include the radius, central angle and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.
 - c. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute.
 - d. Location and description of monuments.
 - e. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property.
 - f. Date, title, name and location of subdivision, graphic scale, and magnetic north point.
 - g. Location sketch map showing site in relation to area.
 - h. Lateral tie.
 - i. 100 year flood limit as determined by most recently published FEMA maps on file with the Rutherford County Regional Planning Commission, with that portion of the property lying below the 100 year flood elevation being shown shaded or hatched.
6. The following certificates shall be signed and shown on the final plat in a reproducible fashion:
 - a. Certificate of Ownership and Dedication, certifying that applicant is landowner and dedicates streets, right-of-ways, and any sites for public use.
 - b. Certificate of Accuracy, by registered professional surveyor certifying to accuracy of survey and plat and placement of monuments.
 - c. Certificate of Approval for Recording, to be signed by the Secretary of the Planning Commission or his designee.
7. The developer shall furnish the Planning Department a copy of the owner's deed.
8. Drawn to a scale of 1" = 100' on a 12" x 18", 18" x 24", or 24" x 36" sheet (outside dimensions).
9. The Planning Department shall check the plat for conformance to the rules and regulations. After the plat has been reviewed by planning and engineering staff and any deficiencies corrected, the subdivider shall submit the corrected drawing on reproducible

mylar in black ink to the Rutherford County Planning Department for their signature. Approval shall be indicated on the plat through the signature of the Planning Commission Secretary. A Certification of Action shall be issued by the Planning Department noting approval or modifications to which approval is subject, and if disapproved, a list of reasons for disapproval.

- 10 If action is not taken within sixty (60) days from the date of submittal and fee payment, the plan shall be considered approved and a certificate of approval shall be issued on demand by the executive director or the county engineer. However, the applicant for approval may waive this requirement and consent to an extension of time.

G. NON-SUBDIVISION COMBINATION OF LAND

Where the owners of two or more tracts of land, where all tracts are greater than five acres, wish to transfer a portion of land from one tract to another tract, this can be accomplished by a letter without a plat when the following requirement is met:

1. A legal description of the portion of land being transferred shall be submitted by letter to the Planning Department.
2. The deed book and page number where the deed is recorded for each tract of land shall also be submitted.
3. Signatures from the property owner (s), owner's surveyor, planning director and County Engineer are required.
4. Neither tract may be reduced in size below five (5) acres.
5. The Rutherford County Planning Director or County Engineer shall have the authority to approve these requests.

H. REVIEW PROCEDURES FOR RESUBDIVISION PLATS

1. A Resubdivision Plat requires only one submission of a final plat, provided all the following conditions have been met:
 - a. The proposed plat represents a modification to a common lot line between two or more lots of record.
 - b. No new lots of record are being created as a result of the resubdivision.
 - c. All public improvements as set forth in Article VI and in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee are already installed. Any construction or installation of improvements shall require the submission of a preliminary plat as prescribed in Section B of Article II.
 - d. The subdivider has consulted with the planning department for advice and assistance, and it is agreed upon by the planning staff that a preliminary plat is unnecessary.
2. The subdivider shall submit, with payment of all required fees, to the Rutherford County Planning Department two copies of the survey (hereafter called the "plat") of the proposed resubdivision plat prepared by a registered land surveyor licensed by the State of Tennessee.
3. Plats shall be clearly and legibly drawn by a registered land surveyor and shall conform to the Rules of the Department of Insurance Division of Regulatory Boards-Board Examiners for Land Surveyors Chapter 0820 - Standards of Practice.

4. The resubdivision plat shall show the following:
 - j. The lines of all streets and roads, alley lines, lot lines, building set-back lines, lots numbered in numerical order, all easements, and any areas to be dedicated to public use or sites for other than residential use with notes stating their purpose and any limitations.
 - k. Location of all existing property lines and proposed property lines.
 - l. Sufficient data to determine readily and reproduce on the ground the location, bearing and length of every street line, boundary line, block line and building line whether curved or straight, and including true north point. This shall include the radius, central angle and tangent distance for the center line of curved streets and curved property lines that are not the boundary of curved streets.
 - m. All dimensions to the nearest one hundredth (100th) of a foot and angles to the nearest minute.
 - n. Location and description of monuments.
 - o. The names and locations of adjoining subdivisions and streets and the location and ownership of adjoining un-subdivided property.
 - p. Date, title, name and location of subdivision, graphic scale, and magnetic north point.
 - q. Location sketch map showing site in relation to area.
 - r. Lateral tie.
 - s. 100 year flood limit as determined by most recently published FEMA maps on file with the Rutherford County Regional Planning Commission, with that portion of the property lying below the 100 year flood elevation being shown shaded or hatched.
 - t. Any information deemed appropriate by the utility providers who may be impacted by the resubdivision of the property.
6. The following standard certificates shall be signed and shown on the final plat in a reproducible fashion:
 - d. Certificate of Ownership and Dedication, certifying that applicant is landowner and dedicates streets, right-of-ways, and any sites for public use.
 - e. Certificate of Accuracy, by registered professional surveyor certifying to accuracy of survey and plat and placement of monuments.
 - f. Certificate of Approval for Recording, to be signed by the Secretary of the Planning Commission or his/her designee.
7. The following utility certificates shall be signed and shown on the final plat in a reproducible fashion if required by the utility provider:
 - a. Certificate of Water, certifying plat approval for water service, provided lines, valves, and fittings are installed to specifications.
 - b. Certification of the Approval of Electric Power, certifying power poles and other improvements will be installed in an acceptable manner and according to specifications.
 - c. Certification of General Approval for Installation of Subsurface Disposal System with Restrictions, certifying approved location by the Tennessee Department of Environment and Conservation, Division of Ground Water Protection.
8. The developer shall furnish the Planning Department a copy of the owner's deed.
9. Drawn to a scale of 1" = 100' on a 12" x 18", 18" x 24", or 24" x 36" sheet (outside dimensions).

10. The Planning Department shall check the plat for conformance to the rules and regulations. After the plat has been reviewed by planning and engineering staff and any deficiencies corrected, the subdivider shall submit the corrected drawing on reproductive mylar in black ink to the Rutherford County Planning Department for its signature. Approval shall be indicated on the plat through the signature of the Planning Commission Secretary. A Certification of Action shall be issued by the Planning Department noting approval or modifications to which approval is subject, and if disapproved, a list of reasons for disapproval.
11. If action is not taken within sixty (60) days from the date of submittal and fee payment, the plan shall be considered approved and a certificate of approval shall be issued on demand by the executive director or the county engineer. However, the applicant for approval may waive this requirement and consent to an extension of time.

ARTICLE III: GENERAL REQUIREMENTS AND MINIMUM STANDARDS OF DESIGN

A. STREETS

1. From and after the time when the regional planning commission of any region, as defined and created by the Department of Economic and Community Development, has adopted a regional plan which includes at least a major road plan or has progressed in its planning to the state of the making and adoption of a major road plan, and has filed a certified copy of such major road plan in the office or offices of the county register or registers of the county or counties lying in whole or in part in such region, then no plat of a subdivision of land within such region, other than land located within the boundaries of any municipal corporation, shall be filed for record or recorded until it has been approved by such regional planning commission, and such approval endorsed in writing on the plat by the secretary of the commission or by another designee of the regional planning commission; provided, that if the plat of subdivision divides the tract into no more than two (2) lots, the approval may be endorsed in writing on the plat by the secretary of the commission or by another designee of the regional planning commission without the approval of the regional planning commission, upon certification by the planning staff of the regional planning commission that the subdivision complies with such regulations governing a subdivision of land as have been adopted by the regional planning commission pursuant to § 13-3-403; provided further, that no request for variance from such regulations has been requested. (TCA Section 13-3-402 a.1.)
2. Conformity to the Long Range Transportation Plan of Rutherford County (Major Road Plan): (Amended June 14, 2004)
 - a. All streets and roads shown in a Major Subdivision and all new streets and roads shown in a Minor Subdivision shall conform to the width and location requirements as set forth by the Long Range Transportation Plan of Rutherford County (Major Road Plan).

- b. All existing Minor/Residential streets and roads shown in a Minor Subdivision shall not be required to conform to the right-of-way requirements as set forth in the Long Range Transportation Plan of Rutherford County (Major Road Plan).
3. Relation to Adjoining Street System - The proposed street system shall extend existing streets. They shall be extended at a width no less than the required minimum width as established in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee.
4. Street Right of Way Widths - The minimum width of right-of-way, measured from lot line to lot line, shall be as shown in the Long Range Transportation Plan of Rutherford County (Major Road Plan), in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee, and in the Street and Road Classification Map of Rutherford County, or if not shown on any of these plans, it shall be not less than as follows:
 - a. Arterial Streets and Highways.....80 -150 feet as may be required
Arterial streets and highways are those to be used primarily for fast or heavy traffic and will be located on the Long Range Transportation Plan (Major Road Plan)
 - b. Collector Streets.....60 - 80 feet as may be required
Collector Streets are those which carry traffic from minor streets to the major system of arterial streets and highways and include the principal entrance streets of a residential development and streets for major circulation within such a development.
 - c. Minor/Residential Streets.....40 - 60 feet as may be required
Minor/Residential Streets are those which are used primarily for access to the abutting residential properties and designed to discourage their use by through traffic.
 - d. Marginal Access Streets.....40 - 50 feet as may be required
Marginal access streets are minor streets which are parallel to and adjacent to arterial streets and highways; and which provide access to abutting properties and protection from through traffic.
 - e. Dead-end Streets (cul-de-sac).....40 - 50 feet as may be required
 - f. Cul-de-sacs are permanent dead-end streets or courts designed so that they cannot be extended in the future. All Cul-de-sacs must have a minimum of a sixty (60') foot radius at the end of the street.
 - g. Alleys20 feet
Alleys are minor public ways used primarily for service access to the back or side of properties otherwise abutting on a street. In cases where topography or other physical conditions make a street of the required minimum width impracticable, the Planning Commission may modify the above requirements. Through proposed neighborhoods or local business areas the street widths may be increased ten feet on each side to provide for movement of vehicles into and out of necessary off-street parking areas without interference to traffic.
5. Additional Width on Existing Streets - Subdivisions that adjoin existing streets shall dedicate additional right-of-way to meet the above minimum street right of way width requirements unless the street is shown in the Long Range Transportation Plan or the Road and Street Classification Map of Rutherford County, then the right of way widths designated in the Long Range Transportation Plan or the Road and Street Classification Map of Rutherford County shall be implemented.

- a. The entire right-of-way shall be provided where any part of the subdivision is on both sides of the existing street.
 - b. When the subdivision is located on only one side of an existing street, one-half (1/2) of the required right-of-way, measured from the center line of the existing roadway, shall be provided.
 - c. Right of Way width shall meet the requirements as set forth in the Long Range Transportation Plan of Rutherford County (Major Road Plan) and in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee.
6. Restriction of Access - When a tract fronts on an arterial street or highway as specified in the Long Range Transportation Plan of Rutherford County, the Planning Commission may require that such lots have their access provided from a marginal access street or from adjacent streets with internal access.
 7. Horizontal Curves - Where a deflection angle of more than ten degrees in the alignment of a street occurs, a curve of reasonably long radius shall be introduced. On streets sixty (60) feet or more in width, the centerline radius of curvature shall be not less than three hundred (300) feet; on other streets, not less than one hundred (100) feet.
 8. Vertical Curves - Every change in grade shall be connected by a vertical curve constructed so as to afford a minimum sight distance of two hundred (200) feet, said sight distance being measured from the driver's eyes, which assumed to be four and one-half feet above the pavement surface, to an object four inches high on the pavement. Profiles of all streets showing natural and finished grades drawn to a scale of not less than one inch equals one hundred feet (1" = 100') horizontal, and one inch equals ten feet (1" = 10') vertical, shall be required by the Planning Commission.
 9. Intersections - Street intersections shall be as nearly at right angles as is possible, and no intersection shall be at an angle of less than seventy-five (75) degrees. Property line radii at street intersections shall not be less than twenty (20) feet, and where the angle of street intersection is less than seventy-five (75) degrees; the Planning Commission may require a greater curb radius. Wherever necessary to permit the construction of a curve having a desirable radius without curtailing property line at such street corner shall be rounded or otherwise set back sufficiently to permit such construction.
 10. Tangents - A tangent of at least one hundred feet in length shall be introduced between reverse curves on arterial and collector streets.
 11. Street Jogs - Street jogs with center-line offsets of less than one hundred twenty five (125) feet shall not be allowed.
 12. Dead End Streets -
 - a. Cul-de-sac streets may be planned where conditions permit their use, and in no instance have a length greater than sixteen hundred (1600) feet nor service more than twenty four (24) dwelling units.
 - b. The Planning Commission shall require the developer to provide public street access to adjoining properties. Proposed streets shall be extended by dedication to the boundary of such property. Such dead-end streets, when their length exceeds 500 feet, shall be provided with a temporary turn-around having a roadway diameter of at least one hundred (100) feet and built as specified in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee.

13. Private Streets and Reserve Strips (Amended on May 14th, 2001)–

a. Private Streets

There shall be no private street platted in any subdivision. Every lot in subdivided property shall be served from a publicly dedicated street with the following exceptions:

1. Any private street/road easement that is a minimum of fifty (50) feet wide shall be allowed to have one (1) tract of land a minimum of five (5) acres in size divided off of it with out having to comply with the subdivision regulations. There can only be one (1) tract accessing the private street/road easement.
2. The Rutherford County Planning Director shall have the authority to waive this requirement and allow the development of a minor subdivision on a private street/road easement, provided that all of the following criteria are met:
 - a. There are no more than three (3) lots involved,
 - b. All of the proposed lots are greater than five (5) acres,
 - c. The private easement must be fifty (50) feet wide, and
 - d. The developer shall establish a Home Owners Association to provide for the perpetual maintenance of the private street/road easement.

b. The Subdivision of more than three (3) lots off of an existing or new private street/road easement

Any private road/street easement that has more than three lots, tracts, sites, or divisions shall be required to be built to the design specifications for a county road as set forth in the “Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County Tennessee”.

2. Any private street or road easement where three (3) or more lots, tracts, sites, or divisions are in existence at the time of application to subdivide or the applicant wants to divide more than three lots off of a new private road or street easement, then the burden of proof for said subdivision is the sole responsibility of the applicant to present convincing evidence that further development on an existing private road/street easement or the development of more than three lots on a new private street/road easement is safe and that it is in the best interest of Rutherford County to allow the division of more than three lots off of any private street/road easement. At the time of application all documentation must be in place detailing the following:
 - a. A maintenance plan for the private road/street easement shall be provided and must detail the following:
 1. What type of road surface will be put down?
 2. How will the funds needed to maintain the roadway be obtained?
 3. Who will be responsible for maintaining the roadway?
 4. Who will be designated as the main contact person responsible for the actual maintenance of the roadway?
 - b. How is the property presently being served by utilities:
 - c. How will utilities be provided to the subdivision?

- d. What is being proposed to accommodate emergency vehicles and equipment;
- e. Details of the Home Owners Association;
- f. Detail design cross section of the private road/street easement.

c. Private Road/Street Improvements

- 1. Any improvements required by this Section will apply to the entire private street/road and not just to the portion of the private street/road, which runs from the public road to the applicant's parcel under consideration.
- 2. It shall be the responsibility of the applicant, builder, or developer to provide proper drainage and grading for each lot to drain into the existing or proposed drainage system of the proposed development without adversely affecting any other adjoining lot, parcel, or tract of land.

d. Reserve Strips

There shall be no reserve strips controlling access to streets, except where the control of such strips is definitely placed with the county under conditions approved by the Planning Commission.

- 14. Street Names - Proposed streets which are obviously in alignment with others already existing and named, shall bear the names of existing streets. In no case, shall the name for proposed duplicated existing street names, irrespective of the use of the suffix street, avenue, boulevard, driveway, place or court. Through its index list of street names on file the Planning Department can assist the subdivider in avoiding duplication.
- 15. From and after the time when the platting jurisdiction of any regional planning commission of any region has attached by virtue of the making and adoption of a major road plan as provided in § 13-3-402, no county or court or board or officer thereof or any other public officer or authority shall accept, lay out, open, improve, grade, pave or light any road or lay or authorize water mains or sewers or connections or other facilities or utilities to be laid in any road located within such region and outside of the boundaries of municipal corporations, unless such road has been accepted or opened or has otherwise received the legal status of a public road prior to the attachment of the planning commission's jurisdiction, or unless such road corresponds in its location and lines with a road shown on a subdivision plat approved by the planning commission or on a road plat made and adopted by the planning commission; provided, that the county legislative body of such county may accept or lay out any other road or adopt any other road location; provided further, that the resolution or other measure for such acceptance, laying out or adoption is first submitted to the planning commission for its approval and, if disapproved by the commission, receives the favorable vote of not less than a majority of the entire membership of the county legislative body; and a road approved by the planning commission upon such submission, or accepted, laid out, or adopted by the commission, shall have the status of an approved road location as fully as though it had been originally shown on a subdivision plat approved by the planning commission or on a

plat made and adopted by the planning commission. In the case, however, of any state highway constructed or to be constructed in the region by the state of Tennessee with state funds as a part of the state highway system, the submission to the planning commission shall be by the commissioner of transportation, who shall have the power to overrule the disapproval of the planning commission (TCA 13-3-406).

B. BLOCKS

1. Length - Blocks shall not exceed sixteen hundred (1600) feet in length. A cross street shall be provided a minimum of every sixteen hundred (1600) feet, except where it is determined to be impractical by the Planning Commission.
2. Width - Blocks shall be wide enough to allow two rows of lots, except where reverse frontage on major roads is provided or where prevented by topographical conditions or size of the property; in which case the Planning Commission will approve a single row of lots of minimum depth.

C. LOTS

1. Adequate Building Sites -
 - a. Each lot shall contain a building site as defined in Section E of this Article and outside the limits of any existing easement or building setback lines required in Subsection 3 of this Section.
 - b. Red Flagging of Lots - All lots that have some geographic feature (i.e. sink hole, flood plain, or drainage structures and facilities) that would effect the location and construction of a house, parking, accessory structures, or utilities (water, sewer, septic tank, well, electricity, gas, phone) or is located adjacent to or within one thousand (1000) yards of a use or uses that would be considered to have a significant impact on the useful enjoyment of the property, (i.e. Landfill, Airport, Quarry, Racetrack, Sewage Treatment Plant (excluding STEP systems), Junk Yard, Out Door Shooting Range, Out Door Entertainment Facility of any nature), shall have a specific notation placed on the affected lot or in an appropriate location on the Final Plat that it is readily visible.
2. Arrangement -
 - a. In so far as practical, side lot lines shall be right angles to straight street lines or radial to curve street lines.
 - b. Each lot must front upon a public street or road, except as permitted under these regulations.
3. Building Setback Lines - In the case of electric transmission lines where easement widths are not definitely established there shall be minimum building setback line from the center of the transmission line as follows:

Voltage of Line	Minimum Building Setback
46 KVA	37 ½ feet
69 KVA	50 feet
161 KVA	75 feet
230 KVA	75 feet
500 KVA	100 feet

4. Corner Lots - Corner lots shall have extra width sufficient to permit the additional side-yard requirements of the zoning ordinance or building setback lines outlined above.
5. Fire Protection -
 - a. The developer shall provide fire hydrants in all subdivisions.
 - b. Fire hydrants shall be placed to ensure lots within all subdivisions are within a minimum of one thousand (1,000) feet of a hydrant.
 - c. IN ALL MAJOR SUBDIVISIONS:
 1. In the event water lines in the area cannot support a fire hydrant, as determined by the water provider for a major subdivision, or if the proposed development is not in close proximity to a line that can support a fire hydrant and extending such a water line is not feasible, a waiver may be granted at the discretion of the Planning Commission. The applicant for such waiver shall provide documentation from the water provider that the water lines available for the development cannot support a fire hydrant or that it is not feasible to extend a line of adequate size to serve the development. For the purposes of this section, a water line will be deficient if it does not conform to the following standards:
 - Water volume is less than 500 gallons per minute; and/or
 - Residual pressure would be less than 20 pounds per square inch.
 - Other standards not listed here may also be cited by the water utility provider in their determination of whether a water line can support a fire hydrant.
 2. The granting of a waiver from the fire hydrant requirement shall require any residential development in a major subdivision to install a sprinkler system in accordance with NFPA 13D, also to include an audio alarm flow switch to be approved by the Rutherford County Building Codes Department.
 3. The requirements of this subsection shall not apply to existing residential structures located in a proposed major subdivision.

D. PUBLIC USE AND SERVICE AREAS

Due consideration shall be given to the allocation of areas suitably located and of adequate size for playgrounds and parks for local or neighborhood use as well as for use as public service areas.

1. Easements for Utilities - Except where alleys are permitted for the purpose, the Planning Commission may require easements for poles, wire conduits, storm and sanitary sewers, gas, water, and heat mains or other Utility lines along all rear lot lines, side lot lines and front lot lines, if necessary or advisable, in the opinion of the Planning Commission. Easements of the same or greater width may be required along all lot lines or across lots where necessary for the extension of existing or planned utilities.
2. Community Assets - In all subdivisions due regard shall be shown for all natural features such as large trees and water courses, and for historical spots and similar community assets which, if preserved, will add attractiveness and value to the property.
3. In a Major Subdivision all utilities shall be placed underground as detailed in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County.
4. Electric lines shall be required to be underground from the primary feeder lines to the individual homes/structures. The primary feeders will not be required to be underground.

A waiver to this provision may be granted at the discretion at the Rutherford County Regional Planning Commission.

E. SUITABILITY OF LAND

1. All residential lots approved for septic tanks shall have suitable soils to support a minimum of a two bedroom house. All sanitary sewers for non-residential lots and non-residential subdivisions shall be regulated through the building permit process (approved June 12, 2000 & October 9, 2000).
2. Where surface drainage systems are necessary to assure that septic systems function properly, the drainage system shall be installed and approved by the Tennessee Department of Environment, Division of Ground Water Protection and the county engineer prior to final plat approval.
3. Regulations for Duplicate Soils Area: (approved April 13, 2009)
 - a. Duplicate soils areas are required for all subdivision lots. Criteria for the duplicate area shall be in accordance with the State of Tennessee Department of Environment and Conservation (TDEC) Division of Groundwater Protection. A waiver to this provision may be granted by the Planning Commission for existing structures on subdivided lots if duplicate area is not available, consistent with the policies of TDEC Division of Groundwater Protection.
 - b. The following criteria shall be used for the duplicate system:
 1. For residential lots, contain a minimum of 9,000 square feet of Chapter 212 soil, (212 building sites shall be a minimum of one acre).
 2. For non-residential lots, minimum soil area shall be determined per requirements of TDEC Division of Groundwater Protection.
3. Subdivision lots proposed for building shall not contain septic system easements in favor of other parcels, tracts or lots.
4. Subdivision lots shall have adequate area for the installation of an approved septic system on site and shall not rely on an easement from adjoining property for sewage.
5. Subdivision lots requiring curtain drains shall meet the following criteria:
 - a. The soil scientist mapping curtain drain lots shall specify the required depths for the curtain drains, and the project engineer shall design a positive outlet for proper surface drainage and the curtain drain.
 - b. All lots requiring curtain drains shall have a positive outlet along the appropriate lot line or suitable location as determined by the Tennessee Department of Environment, Division of Ground Water Protection.
 - c. Lots requiring curtain drains, or further soils evaluation shall not be reserved for future development. These areas shall be combined with adjacent lots which are approved for proper septic system installation. Where appropriate these lots may be submitted for resubdivision.
6. Acreage tracts of five (5) or more acres that are developed off of a private easement shall conform to the State of Tennessee's Regulations to Govern Subsurface Sewage Disposal Systems (approved October 9, 2000).
7. Proposed building sites shall meet the requirements of the State of Tennessee's Regulations to Govern Subsurface Sewage Disposal Systems. (Added August 9, 2004)

F. LARGE TRACTS OR PARCELS

When land is subdivided into larger parcels than ordinary building lots, such parcels shall be arranged so as to allow for the opening of streets in the future and for logical further resubdivision.

G. VARIANCES

Variances may be granted under the following conditions:

1. Where the subdivider can show that strict adherence to these regulations would cause unnecessary hardship, or
2. Where the Planning Commission decides that there are topographical or other conditions peculiar to the site, and a departure from these regulations will not destroy their intent. Any variance thus authorized shall be stated in writing in the minutes of the Planning Commission with the reasoning on which the departure is justified set forth.

H. ZONING OR OTHER REGULATIONS

1. No final plat of land within the force and effect of an existing zoning resolution shall be approved unless it conforms to such ordinance. Whenever there is a discrepancy between minimum regulations or dimensions noted herein and those contained in zoning regulations, building code, or other official regulations, the highest standard shall apply.
2. Any additional attachment or document (i.e. Homeowners Association, Restrictive Covenants, Easements) related to Final Plat which has been recorded shall be submitted to the planning/ engineering department to complete files.
3. This part shall not apply to division and plats of land partitioned by the owners among themselves either in court or by deed. However, plats filed under § 13-3-402 shall contain such information as required by § 13-3-402 even though the land has been partitioned by deed (TCA 13-4-408).

I. STORMWATER MANAGEMENT

1. No final plat of land shall be approved unless it conforms to Section 2000 Subsection 2.6 in the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee. Whenever there is a discrepancy between minimum regulations or dimensions noted herein and those contained in zoning regulations, building code, or other official regulations, the highest standard shall apply.
2. It shall be the responsibility, of the project engineer to design and the developer to provide, a drainage system for the proposed development that will be capable of providing positive drainage away from all lots when they are properly graded.
3. It shall be the responsibility of the builder to provide proper drainage and grading for each lot to drain into the development's drainage system without adversely affecting any other lot or the development drainage system
4. All primary drainage structures shall be installed by the developer, and approved by the County Engineer prior to the issuance of any building permits.
5. Minimum finished floor elevation which shall be set at three feet (3') above the established 100-year flood elevation or three feet (3') above the highest known water level in areas subject to periodic flooding or inundation; minimum pad and driveway elevations shall be a minimum of one (1') foot above the established 100-year flood or a

minimum of one (1) foot above the highest known water level in areas subject to periodic flooding or inundation; all mechanical and electrical equipment shall be located one and one-half feet (1.5') above the 100-year flood elevation or one and one-half feet (1.5') above the highest known water level in areas subject to flooding or inundation. A twenty-five (25') foot wide yard surrounding the foot print of the house at or above the 100-year flood elevation or above the highest known water level in areas subject to periodic flooding or inundation in all directions from the principal structure.

6. Areas within subdivisions defined as floodway, sinkholes and natural waterways shall be designated as conservation easements and shall be no less than fifty (50') feet in width measured from the top of the bank. In addition, no structures fill, or buildings shall be permitted.
7. Unless otherwise stated or approved by the Planning Commission, the developer shall be responsible for the maintenance of all Stormwater Management Facilities.
8. All detention/retention facilities shall be within storm drainage easements. All retention facilities shall be maintained by an approved and properly recorded property owner association. All detention facilities which are more than one acre in area or more than two feet deep shall be maintained by an approved and properly recorded property owner association. All detention facilities which are less than one acre and less than two feet deep shall be maintained by the property owner of record or property owner association. (approved October 11, 1999)
9. A primary goal of the Rutherford County Regional Planning Commission is to protect, maintain and improve the region's water storage capacity. To achieve this goal, construction within areas designated floodway and 100-year floodplain shall be restricted as follows: For lots containing FEMA Floodway or Floodplain, the following conditions must be met:
 - a. Front yard, excluding ditches and drainage easements, must be above the 100-year flood level (approved October 9, 2000).
 - b. Floodplain boundary shall be clearly designated and noted.
10. No tract of land or lot located within the 100 year floodplain or in an area known to be subject to periodic flooding or inundation shall be considered a suitable residential building site without the following conditions:
 - a. Fill material shall be placed in compacted layers four feet from the structure, and shall be continued out a minimum distance from the perimeter of any proposed building to the top of the slope a distance twice the depth of fill at that point.
 - b. The fill material shall not have slopes less than 3:1 unless stabilization measures approved by the Rutherford County Regional Planning Commission are installed. All slopes shall be stabilized.
 - c. This shall be done at or above the 100 year flood elevation or if there is no 100 year flood elevation then at or above the best known flood elevation.
 - d. All grading and filling necessary to meet this requirement must be approved by the County Engineer prior to construction.
11. For Commercial, Industrial or other non-residential developments, the minimum finished floor elevation which shall be set at one foot (1') above the established 100-year flood elevation or one foot (1') above the highest known water level in areas subject to periodic flooding or inundation. A twenty-five (25') foot wide yard at or above the 100-year flood

- elevation in all directions from the principal structure. Non-residential, Commercial, and Industrial outbuildings are exempt from this provision. (Added May 10, 2004)
12. Developers of Commercial, Industrial, other non-residential developments, or of four (4) or more Residential lots shall be required to evaluate the two (2) nearest public downstream drainage structures to ensure the facilities are able to properly and efficiently manage the projected volume of storm water the development is anticipated to generate. If these two (2) nearest public facilities are not able to properly and efficiently manage the projected volume of storm water the development is anticipated to generate, the developer shall be responsible to correct said facilities. (Added May 10, 2004)
 13. For residential developments, all new developments must be evaluated for adverse impacts on downstream properties. Direct discharge from the development into a blue line stream defined on a 7.5 minute series quadrangle map or by the Tennessee Department of Conservation, is allowed based on Drainage Basin Best Management Practices if approved by the County Engineer. Historical drainage problems must be considered in the design of the management of the stormwater runoff. Any discharge of runoff shall not exacerbate or contribute to these historical problems. The developer will be responsible for demonstrating by the use of good engineering methodology, to include computer modeling of the drainage basin, that the proposed development meets this criteria and that the Rutherford County Engineering Department reserves the right to request additional information and/or the alteration of the detention and/or discharge design as submitted.

J. SPECIAL PROVISIONS GOVERNING UNIT OWNERSHIP FOR A CONDOMINIUM SUBDIVISION

1. General Provisions
 - a. Purpose: A comprehensive group housing development, including the large scale construction of housing units together with necessary drives and ways of access, may be approved by the Planning Commission although the design of the project does not include standard streets, lot and subdivision arrangements, if departure from the foregoing standards can be made without destroying their intent.
 - b. Intent: This section is intended to augment the general legislation of Section 64-27-101 through 66-27-123, Tennessee Code Annotated, entitled "Horizontal Property Act", by providing supplemental rules and regulations for the implementation of the act, as specifically authorized in Tennessee Code Annotated.
 - c. Applicability: Whenever a developer, the sole owner, or the co-owners of a building or buildings expressly declare through the submission of a master deed, lease, or plat their desire to submit their property to a regime, as established and provided by Sections 64-27-101 through 66-27-123, Tennessee Code Annotated, wherein there is established a horizontal property regime, each such condominium or horizontal property regime created under the authority of these provision for the purpose of sale or transfer of real property is subject to the provisions of these regulations.
2. Submission of Plat Required: Prior to the sale or transfer of any property incorporated in the property regime, the developer, sole owner, or co-owners of such property shall submit to the Planning Commission a subdivision plat of such property in the manner prescribed in this article; such plat, if approved, shall be filed with the county register in the manner prescribed in this article.

3. Determination of Subdivision Type: Condominium subdivisions shall be classified by the Planning Commission during the plat review process as either horizontal condominiums or vertical condominiums as defined in Article VII of these regulations
4. Procedure: An applicant seeking approval of a condominium subdivision shall proceed through the normal procedure for subdivision approval as set forth in these regulations.
5. Contents of Plans and Documents: The plats, and documents submitted by an Applicant seeking approval for a condominium subdivision shall conform with the specifications as set forth in Article II of these regulations.

K. NON-RESIDENTIAL SUBDIVISIONS

1. General: If a proposed subdivision includes land which is zoned for commercial or industrial purpose, the layout of the subdivision with respect to such land shall make such provisions as the Planning Commission may require. A non-residential subdivision also shall be subject to all the requirements of site plan approval set forth in the Rutherford County Zoning Ordinance. Site plan approval may proceed simultaneously at the discretion of the Planning Commission. A non-residential subdivision shall be subject to all the requirements of these regulations, as well as such additional standards set forth by the Planning Commission, and shall conform to the major road, zoning map, and zoning ordinance.
2. Standards: In addition to the principles and standards in these regulations, the subdivider shall demonstrate to the satisfaction of the Planning Commission that the public way, parcel, and block pattern proposed is specifically adapted to the uses anticipated and takes into account other uses in the vicinity. The following principles and standards shall be observed:
 - a. Proposed industrial parcels shall be suitable in areas and dimensions to the type of industrial development anticipated;
 - b. Public way right-of-way and pavements shall be adequate to accommodate the types and volume of traffic anticipated;
 - c. Special requirements may be imposed by the governing body with respect to public way, curb, gutter and sidewalk design and construction;
 - d. Special requirements may be imposed by the governing body with respect to the installation of public utilities, including water, sewer, and storm water drainage;
 - e. Every effort shall be made to protect adjacent residential areas from potential nuisance from the proposed non-residential subdivision, including the provisions of extra depth in parcels backing on existing or potential residential development and provisions for permanently landscaped buffer strips, when necessary.
 - f. Proposed signs to be located along Federal, State or Scenic highways shall submit the appropriate State permits, or a letter from the Department of Transportation stating that a State permit is not required.
3. Building permit applications for signs shall be accompanied by plans, stamped by a certified engineer, that indicates:
 - a. The sign location, size, setbacks, and structural aspects,
 - b. The depth of sign supports,
 - c. Footer detail.

L. PUBLIC SEWER AND STEP SYSTEMS

All public sewer and STEP systems utilized in Rutherford County shall be owned and maintained by Consolidated Utility District or other approved public water and sewer entity. (approved March 8, 1999)

M. GRANDFATHERED LOTS OF RECORD—PRE-MARCH OF 1999

Any lot governed by these regulations that has been recorded by deed in the Office of the Rutherford County Register of Deeds prior to March of 1999 (February 28, 1999) is hereby grandfathered and relieved of all platting requirements set forth by these regulations. This includes lots fronting on public roads or private roads that have a recorded easement. Any lot fronting on a private road that does not have a recorded description of the easement is not relieved of any requirement set forth by these regulations. (approved July 14, 2003)

N. NEW SUBDIVISION DEVELOPMENTS IN THE VICINITY OF ESTABLISHED SPORT SHOOTING RANGES (TCA 13-3-412)

1. For any new subdivision development that is located in whole or in part within one thousand (1,000) feet of any portion of the outside boundary of any land on which is contained a sport shooting range that was established, by clear and convincing evidence, constructed or operated prior to the development of the subdivision, the owner of the development shall provide on any plat filed with the appropriate municipal or county official, or both, the following notice:

“Sport Shooting Range Area

This property is located in the vicinity of an established sport shooting range. It can be anticipated that customary uses and activities at this shooting range will be conducted now and in the future. The use and enjoyment of this property is expressly conditioned on acceptance of any annoyance or inconvenience that may result from these uses and activities.”

2. As used in this section, unless the context otherwise requires:
 - a. “Established” means a sport shooting range that is known by custom, reputation or otherwise to exist within a community or area prior to the time of the proposed subdivision development. Indicia of a sport shooting range being “established” are:
 1. The range is listed in the area telephone book;
 2. The range is, from time to time, advertised in the yellow pages of a telephone book, newspapers, billboards or flyers;
 3. There are directional signs on public roads, streets or highways indicating the correct route to the shooting range;
 4. The range is indicated on a road or other map of the area that predates the proposed subdivision development;

5. The shooting range is listed with the better business bureau or chamber of commerce of the area in which it is located; or
 6. The owner of the range has a business license on file with the appropriate clerk; and
- b. "Sport shooting range" or "range" means an area designed and operated for the use of rifles, shotguns, pistols, silhouettes, skeet, trap, black powder, or any other similar sport shooting.
- c. The provisions of this section shall only apply to counties that have a planning commission and subdivision regulations.

O. SUBSTANDARD STREETS

There shall be no Major Subdivision permitted off of a substandard road as defined in Article VIII of the Rutherford County Subdivision Regulations.

1. Mitigation of a Substandard Street
 - a. The pavement width may be widened to eighteen (18') feet. The applicant or developer will have satisfied this requirement when they have established eighteen (18') feet of pavement width from the primary entrance of the development to the nearest arterial or collector street (as identified in the Rutherford County Street and Road Classification Map).
 - b. The Developer or Applicant may request a waiver from the Planning Commission from the substandard street regulations, which waiver may be approved or denied at the sole discretion of the Rutherford County Regional Planning Commission. If such a waiver is submitted then the burden of proof lies with applicant to present convincing evidence to the Planning Commission that the access being provided to the development by the substandard road is safe and not hazardous to the motoring public. The Developer or Applicant Shall be required to submit the following information to the Planning Commission:
 1. Existing pavement width;
 2. Horizontal and vertical site distances
 3. Curve data;
 4. Existing speed limit;
 5. Current traffic volumes (Both ADT and Peak Hour);
 6. Future traffic volumes (ADT and Peak Hour);
 7. Existing and Future turning movements;
 8. Recommendations for making the Substandard Road safer;
 9. Any other data or information that the Planning and Engineering Staff and the Planning Commission shall deem necessary.
2. The substandard street/road may be identified as a cultural touchstone as defined in Article VIII of the Rutherford County Subdivisions Regulations. The Applicant or Developer may work with the County Planning and Engineering Departments to consider

a design for the development which shall preserve the cultural integrity of the roadway while still providing safe access for all parties utilizing the roadway.

ARTICLE IV: DEVELOPMENT PREREQUISITE TO FINAL APPROVAL

A perfectly prepared and recorded subdivision or plat means little to a perspective lot buyer until he can see actual physical transformation of raw acreage into lots suitable for building purposes and human habitation. Improvements by the subdivider spare the community of a potential tax liability. The following tangible improvements or provisions for their estimated cost are required before the final plat is recorded in order to assure the physical reality of a subdivision which approval and recordation will establish legally.

A. REQUIRED IMPROVEMENTS

1. Every subdivision developer shall be required to grade and improve streets and alleys, to install curbs and gutters, sidewalks, monuments, sewers, storm water inlets and water mains, in accordance with the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee. All improvements shall be installed and completed within 12 months from the date the final plat is recorded. An extension to this deadline may be approved by the Planning Commission when found to be reasonable.

The required improvements are as follows:

- a. Monuments
- b. Grading
- c. Storm Drainage Structures and Facilities
- d. Pavement and Base
- e. Curbs and Gutters
- f. Installation of underground utilities, as regulated in Article III, D. 3. and 4.
- g. Water Supply System
- h. Sanitary Sewers - When the subdivision is located within the service area of a public sewerage system, sanitary sewers shall be installed in such a manner as to serve adequately all lots with connection to the public system. Where lots cannot be economically connected with a sewerage system, they must contain adequate area for the installation of approved septic tank and disposal fields and a duplicate area, and must be approved in writing by the State Department of Environment, Groundwater Protection officer.
- i. Road Name and Traffic Control Signs - Road name signs shall be placed at all intersections within or abutting the subdivision. The type and location of which shall be approved by the Rutherford County Highway Department. The developer shall install all road and traffic control signs prior to acceptance of the roads by the Rutherford County Highway Commission.

B. GUARANTEE IN LIEU OF COMPLETION OF REQUIRED IMPROVEMENTS

No final subdivision plat shall be recorded by the Planning Commission or accepted for recording by the County Register of Deeds until conditions number 1 or 2 have been met:

1. All required improvements have been constructed in a satisfactory manner and approved by the County Highway Commission and County Engineer, or

2. The Planning Commission has accepted a Security Bond/Performance Bond/Letter of Credit, from a bank chartered in Tennessee in an amount sufficient to cover the costs of required improvements and the installation of utilities without cost to the County. The Security Bond/Performance Bond/Letter of Credit shall be for a period of fourteen (14) months and any extension shall require Planning Commission approval. The bonds or letter of credit must be redeemable at a bank physically located within the State of Tennessee (approved December 7th, 1998 & October 9, 2000).
3. The Planning Director shall have the authority to extend any Security Bond/Performance Bond/Letter of Credit by no more than thirty (30) calendar days from the original expiration date. The Planning Director shall have the authority to extend each bond/letter of credit only one (1) time. Any extension beyond thirty (30) calendar days will require approval from the Planning Commission (approved June 12, 2000 & October 9, 2000).

C. FINAL INSPECTION FOR "AS BUILT" SUBDIVISIONS

In coordination with Articles III and IV of these regulations and the Specifications for Subdivision Roadway, Drainage Construction, and Erosion Control for Land Development in Rutherford County, Tennessee, an inspection of the as-built subdivision improvements will be required.

1. The developer shall notify the Rutherford County Engineer and Highway Department:
 - a. after preparation of the sub-grade;
 - b. upon completion of the base rock and compacting; and
 - c. immediately after the paving is completed.
2. Record drawings shall be submitted to and approved by the county engineer prior to the release of the security bond and the acceptance of subdivision improvements by the county engineer and county road board. Such record drawings shall include all changes to the previously approved construction drawings.
3. The developer shall notify the planning and engineering department immediately upon completion of the drainage system and utility extension.
4. The county engineer shall inspect all drainage facilities upon completion. When facilities are not constructed according to approved plans and specifications. Rutherford County has the explicit authority to require compliance.
5. The Planning Commission shall not issue a written release of the surety posted until the Rutherford County Road Board has accepted the street and the as-built subdivision has been approved by the County Engineer.
6. Upon recommendations of the county engineer or his designated representative the Planning Commission has the explicit authority to enforce and "call" any and all funds necessary to complete any required improvements covered by the security bond posted.

ARTICLE V: ENFORCEMENT AND PENALTIES VIOLATIONS

The enforcement of these regulations and penalties for the unapproved recordation of transfer of land are provided by state law in the authority granted by public acts of the State of Tennessee.

A. ENFORCEMENT

1. No plat or plan or a subdivision of land into two or more lots located within the area of planning jurisdiction shall be admitted to the land records of the county or received or recorded

- by the County Register until said plat or plan has received final approval in writing by the planning commission as provided in Section 13-3-402, Tennessee Code Annotated.
2. No board, public officer, or authority shall light any street lay or authorize the laying of water mains or sewers, or the construction of other facilities or utilities in any street located within the area of planning jurisdiction unless such street shall have been accepted, opened or otherwise received the legal status of a public street prior to the adoption of these regulations, or unless such street corresponds in its location and lines to a street shown on a street plan made and adopted by the planning commission as provided in Section 13-3-406, Tennessee Code Annotated.
 3. From and after the time when the platting jurisdiction of any regional planning commission has attached as provided in § 13-3-402, no building permit shall be issued and no building shall be erected on any lot within the region, unless one (1) of the following three (3) criteria is met:
 - (1) The street giving access to the lot upon which the building is proposed to be placed has been accepted or opened as, or shall have otherwise, received the legal status of, a public street prior to that time;
 - (2) The street corresponds in its location and lines with a street shown on a subdivision plat approved by the planning commission, or on a street plat made and adopted by the planning commission; or
 - (3) The lot fronts upon a permanent easement which conforms to all rules, regulations and specifications applicable to the permanent easement of the planning commission or other department, division or agency of the county; provided, that such rules, regulations, and specifications governing permanent easements shall not take effect until such rules, regulations, and specifications are approved by the county legislative body in a resolution by a two-thirds (2/3) vote (TCA 13-3-411 (a) – (3)(A)).
 4. The planning commission or other department, division or agency of a county as approved by the planning commission may recommend to the county legislative body regulations to govern a proposed permanent easement in a proposed subdivision, as defined in § [13-3-401](#). The purpose of the regulations is to ensure that the county is not responsible for the future maintenance of such permanent easement (TCA 13-3-411 (b)).

B. PENALTIES

1. No county register shall receive, file, or record a plat of a subdivision within the planning region without the approval of the planning commission as required in Section 13-3-402, Tennessee Code Annotated.
2. Section 13-3-410 (a), Tennessee Code Annotated provides that Whoever, being the owner or agent of the owner of any land, transfers or sells or agrees to sell or negotiates to sell such land by reference to or exhibition of or by other use of a plat of subdivision of such land without having submitted a plat of such subdivision to the regional planning commission and obtained its approval as required by this part and before such plat is recorded in the office of the appropriate county register, or who falsely represents to a prospective purchaser of real estate that roads or streets will be built or constructed by a county or other political subdivision, commits a Class C misdemeanor. The description by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties. The owner or agent of any land may sell, transfer or agree to sell any lot or lots shown on a plan having been given tentative approval by the regional planning commission. The owner or agent shall post bond in form and amount and with

conditions and surety satisfactory to the regional planning commission, providing for and securing to the public the actual construction and installation of such improvements and utilities within a period specified by the regional planning commission and expressed in the bond. The county, through its county attorney or other official designated by the county legislative body, may enjoin such transfer or sale or agreement by action or injunction.

3. Any building or structure erected or to be erected in violation of the subdivision regulations shall be deemed an unlawful building or structure, and the Building Commissioner may bring action to enjoin such erection or cause it to be vacated or removed as provided in Section 13-3-411, Tennessee Code Annotated.
4. The remedies and penalties provided by this chapter are to be applied exclusively to the owner or agent of the owner. Title to any tract conveyed without compliance with the provisions of this chapter is not affected by this chapter unless the sale or transfer has been enjoined by a court of competent jurisdiction prior to the conveyance being recorded in the office of the appropriate county register. While the title to any such tract is not affected by this chapter, the tract remains otherwise subject to all provisions of this chapter (TCA 13-3-410 (b)).

ARTICLE VI. ADOPTION AND EFFECTIVE DATE

- A. Before adoption of these subdivision regulations a public hearing as required by Section 13-303, Tennessee Code Annotated, was afforded any interested person or persons and was held on July 1, 1963. Notice of such hearing was announced in the Daily News Journal, being of general circulation within the area of planning jurisdiction, on thirty (30) days prior plus one each week and stating the time and place for the hearing.
- B. These rules and regulations shall be in full force and effect from and after their adoption and effective date.

ARTICLE VII. AMENDMENTS

Before the adoption of any amendment, a public hearing thereon shall be held by the Rutherford County Regional Planning Commission, thirty (30) days notice of the time and place of which shall be given by one publication in a newspaper of general circulation in the county in each county lying wholly or partly in the region (TCA 13-3-403 (C)).

ARTICLE VIII. DEFINITIONS

Adverse Impact: Any modification, alteration, or effects on a feature or characteristic of community waters or wetlands, including their quality, quantity, hydrodynamics, surface area, species composition, living resources, aesthetics or usefulness for human or natural uses which are or may potentially be harmful or injurious to human health, welfare, safety or property, to biological productivity, diversity, or stability or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation. The term includes secondary and cumulative, as well as direct impacts.

Applicant: The owner of record, or his authorized representative, of a tract of land that is to be subdivided as set forth in these regulations.

Average Daily Traffic (ADT): The average number of cars per day that pass a given point.

Base Flood Elevation: The elevation at any location delineating high waters having a one-percent probability of being equaled or exceeded in any given year.

Capacity of Storm Drainage Facility: The maximum ability of a storm drainage facility to convey, detain or retain storm water flows without causing substantial damage to public or private property, and in the case of a pipe without surcharging.

Channel: A natural or artificial open watercourse with definite bed and banks which periodically or continuously contains moving water, or which forms a connecting link between two bodies of water.

Compensatory Storage: An artificially excavated volume of storage within a floodplain used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain.

Condominium: A form of ownership of less than the whole of a building or system of buildings under a statute which provides the mechanics and facilities for formal filing and recording of divided interests in real property, whether the division is vertical or horizontal.

Condominium Subdivision: The subdivision of property through the establishment of a condominium or horizontal property regime.

Condominium Unit: A space conveyed by separate title and located within a condominium structure.

Conduit: Any channel, pipe, sewer or culvert used for the conveyance or movement of water, whether open or closed.

Control Device: An element of discharge structure which allows the gradual release of water under controlled conditions.

Control Elevation: Design elevation of a discharge structure at which, or below which, water is contained behind the structure.

Cross-Street: A street that runs between two other streets and connects them to each other.

Cultural Touch Stone: Properties that have been designated by an established heritage program as a property of significance to the community. Such programs include The National Register of Historic Places, Tennessee Century Farms, and the Association for the Preservation of Tennessee Antiquities (APTA).

Detention: The delay of storm runoff prior to discharge into receiving waters.

Detention Basin: A facility constructed or modified to restrict the flow of storm water to a prescribed maximum rate; and to concurrently detain the excess waters that accumulate behind the outlet. A wet bottom detention basin is a structure designed to retain a permanent pool of water after having provided its planned detention of runoff during a storm event. A dry bottom detention basin is designed to be completely drained after having provided its planned detention of runoff during a storm event.

Detention Storage: The temporary detaining or storage of storm water in storage basins, or rooftops, in streets, parking lots, school yards, parks, open space, or other areas under predetermined and controlled conditions, with the rate of drainage therefrom regulated by appropriately installed devices.

Detention Volume: The volume of water equal to the difference between the control elevation of a discharge structure and the maximum level which water can be accumulated prior to discharge times the average area of open surface storage (between the control elevation and maximum level) behind the discharge structure.

Development or Development Activity: The carrying out of any building or mining operation or the making of any material change in the use or appearance of any structure or land and the dividing of land into two or more parcels. A change in the intensity of use of land, such as an increase in the number of dwelling units in a structure or on land or a material increase in the number of businesses, manufacturing establishments, offices, or dwelling units in a structure or on land.

Discharge: The rate of outflow of water from detention storage.

Discharge Structure: Structural device, usually of concrete, metal, timber, etc. through which water is discharged from a project to the receiving water.

Drainage Area: The area from which water is carried off by a drainage system; a watershed or catchments area.

Drainage Facility: An element in a drainage system which includes, but is not limited to any of the following: conduits and appurtenant features, canals, channels, ditches, streams, culverts, streets and pumping stations.

Drainage System: The surface or subsurface system which conveys water from or over the land including all watercourses, water bodies and wetlands (also referred to as the Stormwater Management System).

Elevation: Height in feet above mean sea level according to United States Geodetic Survey Vertical Datum (NGVD).

Excess Stormwater Runoff: The volume and rate of flow of storm water discharged from a drainage area which is or will be in excess of that volume and rate which is specified in these regulations.

Flood Fringe: The higher portion of the floodplain, immediately adjacent to and on either side of the floodway, occupied by quiescent or slow moving waters during floods.

Floodplain: The special flood hazard lands adjoining a watercourse, the surface elevation of which is equal to or lower than the Base Flood Elevation, which are subject to periodic inundation during floods.

Floodway: The channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry and discharge the design flood.

High Water Elevation: The elevation of floodwaters of a flood of specified frequency or occurrence at any given point.

Horizontal Property Act: "The Tennessee Horizontal Property Act" as codified in Section 64-27-101 through 66-27-123, Tennessee Code Annotated.

Hydrograph: A graph showing, for a given point on a stream or conduit, the runoff flow rate with respect to time.

Impervious Surface: A surface which has been compacted or covered with a layer of materials so that it is highly resistant to infiltration of water; the term includes, but is not limited to, most conventionally surfaced streets, roofs, sidewalks, parking lots and similar structures.

Lag: The elapsed time between the center of mass of a rain event and the center of mass of the resultant Hydrograph at a specific site.

Major Subdivision: Any subdivision not encompassed by the definition of minor subdivision as contained in this article.

Minor Subdivision: A subdivision requiring only submission of a final plat provided; however, all of the following conditions are met:

The proposed subdivision does not contain more than three lots, sites or divisions.

All public improvements as set forth in Article VI are already installed. (Any construction, installation or improvements shall require the submission of a preliminary plat as prescribed in Section B of Article II.)

The subdivider has consulted with the planning department for advice and assistance, and it is agreed upon by the planning staff that a preliminary plat is unnecessary.

Off-Site Detention Basin: A feature or structure for temporarily storing excess storm water originating at two or more sites having devices for controlling the rate of release of the stored waters, and located downstream of all sites where the runoff originates.

On-Site Detention Basin: A feature or structure for temporarily storing excess storm water, having devices for controlling the rate of release of the stored waters, and located within the sites where the runoff originates. (See Off-Site Detention Basin)

One Hundred-Year Storms: Rainstorms of varying duration and intensities, having a one percent probability of recurring in any one year.

One Hundred-Year Storm Runoff: The storm water runoff from a rain event of specific intensity and duration having a one percent probability of occurring in any one year.

Overflow Elevation: Design elevation of a discharge structure at which point, or above which point, water leaks out, or bleeds out, through a control device down to the control elevation.

Peak Flow: The maximum rate of flow of water at a given point in a channel or conduit resulting from a predetermined storm or flood.

Plat: Includes plat, plan, plot or replot. (Reference: Section 132-3-401, Tennessee Code Annotated)
Note: this is exact wording from TCA

Post-Development Conditions: Those conditions which are expected to exist, or do exist, after alterations resulting from human activity, of the natural topography, vegetation and rate, volume or direction of surface or groundwater flow.

Pre-Development Conditions: Those conditions which existed at the time these regulations becomes effective in terms of topography, vegetation and rate, volume or direction of surface or groundwater flow, as indicated by the best available historical data.

Primary Drainage (Water Management) Systems: Includes major waterways and appurtenant structures or systems whose total tributary area from origin to outfall exceeds or equals fifty (50) acres.

Receiving Bodies of Water: Any water or wetlands into which surface waters flow.

Record Drawing: Updated or revisions to the construction drawings after the construction of the subdivision has been completed and before the project is closed out. A revision would be required for the following cases: 1) Any drainage ditches, swales roadways, or retention/ detention areas that have been relocated so that they are no longer within the easements established for them, 2) Significant changes in elevations of a roadway, retention/detention areas, or a slope of a drainage swale, 3) Any change in the sizing of a culvert or drainage pipe, or 4) Any changes to the county specifications that would show up on a drawing.

Regional Planning Commission: Any regional planning commission established by the department of economic and community development as provided by law, and includes any municipal planning commission designated by the department as the regional planning commission of a planning region composed of the territory of a single municipality, together with the territory adjoining but outside of such municipality, no part of which is outside the municipality's urban growth boundary or, if no such boundary exists, more than five (5) miles beyond the limits of such municipality. (Reference: Section 132-3-401, Tennessee Code Annotated) Note: this is exact wording from TCA

Retention Basin: A facility constructed or modified to retain the flow of storm water and to concurrently retain the excess waters that accumulates. A wet bottom retention basin is a structure designed to retain a permanent pool of water.

Road/Roads: Relates to and includes roads, streets, highways, avenues, boulevards, parkways, lanes or other ways or any part thereof. (Reference: Section 132-3-401, Tennessee Code Annotated) Note: this is exact wording from TCA

Secondary Drainage (Water Management) Systems: These include minor waterways, storm sewer systems, swales, ditches and appurtenant structures whose total tributary area from origin to outfall is less than fifty (50) acres.

Site Plan: The plan, usually in map form, prepared pursuant to the governing body's zoning or other land development ordinances as a requirement of the development of property.

Soil - Chapter 212 Percolation Soils: Soils relying on Chapter 212 percolation test for approval.

Soil - Marginal: Soil with an absorption rate of 75 minutes per inch as determined by the State of Tennessee Department of Health and Environment.

Soil - Suitable: Soil with an absorption rate of 30, 45, or 60 minutes per inch as determined by the State of Tennessee Department of Health and Environment.

Sub – Standard Streets/Roads: Any street/road that has a pavement width of less than eighteen (18') feet as is shown in the most up to date Rutherford County Road Book.

Subsurface Sewage Disposal System: means a system, other than public or community system, which receives sewage. Included within the scope of this definition are: septic tank absorption systems, privies, chemical toilets, and other similar systems. However, a subsurface sewage disposal system does not include a sewerage system regulated under T.C.A. 68-221-101 et. seq. And 68-3-101 et. seq.

SSDS Primary Soil Area: means that area of suitable soil or marginal soil required to install one hundred percent of the initial ssd system based upon the soil mpi rate and gal/day flow or the number of bedrooms.

SSDS Duplicate Soil Area: means that area of approved soil required to install one hundred percent of the secondary ssd system based upon the soil mpi rate and the gal/day flow or the number of bedrooms.

Stormwater Runoff: The waters derived from rain falling or snow melting within a tributary drainage basin, flowing over the surface of the ground or collected in a storm water drainage system, storm sewer, or water course.

Subdivision: The division of a tract or parcel of land into two or more lots, sites or other divisions requiring new street or utility construction, or any division of less than five acres for the purpose, whether immediate or future, of sale or building development, and includes resubdivision and when appropriate to the context, relates to the process of **resubdividing** or to the land or area **resubdivided**. (Reference: Section 132-3-401, Tennessee Code Annotated) Note: this is exact wording from TCA

One-Hundred Year Storms: Using Middle Tennessee rainfall curves, the 100-year storm event was selected as the design storm. This event represents reasonable development cost and does afford adequate protection.

Time of Concentration: The elapsed time for storm water to flow from the most distant point in a drainage basin to the outlet or point in question.

Trip: A single or one-way movement to or from a property or study area. "Trips" can be added together to calculate the total number of vehicles expected to enter and leave a specific land use or site over a designated period of time.

Watercourse: Any stream, creek, brook, branch, natural or artificial depression, sloughs, gulch, reservoir, lake, pond or natural or man-made drainage way in or into which storm water runoff and flood water flow either regularly or intermittently.

Wetlands: Wetlands are those areas saturated by surface or groundwater at a frequency and duration sufficient to support and that under normal circumstances to support, a dominance of vegetation adapted for life in saturated soil and conditions.

Words used in the singular shall include the plural, and the plural, the singular; words used in the present tense shall include the future tense. The word "shall" is mandatory and not discretionary. The word "may" is permissive.

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